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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

TIMOTHY MELLON, a Wyoming resident,)
v.)
Plaintiff,)
Case No. 13 CV 118-S
THE INTERNATIONAL GROUP FOR)
HISTORIC AIRCRAFT RECOVERY, a)
Delaware non-profit corporation and)
RICHARD E. GILLESPIE,)
Defendants.)

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S
CLAIM FOR NEGLIGENT MISREPRESENTATION**

COME NOW Defendants The International Group for Historic Aircraft Recovery and Richard E. Gillespie (collectively “Defendants”), by and through their undersigned counsel, John A. Masterson and Alaina M. Stedillie of Lewis Roca Rothgerber, LLP, and William J. Carter of Dean & Carter, PLLC, and pursuant to U.S.D.C.L.R. 7.1(b)(2) submit their *Motion for Summary*

Judgment as to Plaintiff's Claim for Negligent Misrepresentation. In support of his *Motion*, the Defendants state and aver that there is no genuine issue of material fact in that the Plaintiff has failed to provide any evidence to prove his claim for negligent misrepresentation, establish a standard of care, or show a breach of that standard of care. These failures justify a grant of summary judgment in the Defendants' favor.

IN SUPPORT OF THIS MOTION, the Defendants file concurrently herewith their *Memorandum*, which includes a statement of undisputed material facts. This document, along with its attachments, is incorporated herein by this reference.

WHEREFORE, Defendants respectfully ask that this Court grant their *Motion for Summary Judgment as to Plaintiff's Claim for Negligent Misrepresentation*, enter a judgment as a matter of law in their favor and against Plaintiff, and grant any further and just relief as it deems proper.

DATED this 19th day of June, 2014.

THE INTERNATIONAL GROUP FOR HISTORIC
AIRCRAFT RECOVERY and RICHARD E. GILLESPIE

By /s/ Alaina M. Stedillie
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 2014, a true and correct copy of the foregoing was electronically served upon all parties registered as CM/ECF users in this case via the Court's CM/ECF electronic mail service including the following:

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